

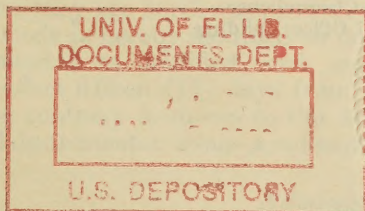
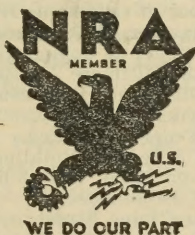
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

COMMERCIAL REFRIGERATOR
INDUSTRY

AS APPROVED ON AUGUST 31, 1934



UNITED STATES
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Approved Code No. 181—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COMMERCIAL REFRIGERATOR INDUSTRY

As Approved on August 31, 1934

ORDER

APPROVING MODIFICATIONS OF CODE OF FAIR COMPETITION FOR THE COMMERCIAL REFRIGERATOR INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of modifications to a Code of Fair Competition for the Commercial Refrigerator Industry, and hearings having been duly held thereon and the annexed report on said modifications, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said modifications and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modifications be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified, such approval and such modifications to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
August 31, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on Modifications of the approved Code of Fair Competition for the Commercial Refrigerator Industry. A public hearing was duly held thereon in Washington, D.C., on May 15, 1934 in accordance with the provisions of the National Industrial Recovery Act.

The Assistant Deputy Administrator in his final report to me on the modification of the Code of Fair Competition for the Commercial Refrigerator Industry having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Modifications, numbers 2, 3, 4, 6, 8 and numbers 10 to 13 inclusive, to said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The modifications and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) The modifications and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

Said modifications are accordingly approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 31, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COMMERCIAL REFRIGERATOR INDUSTRY

Amendments nos. 2, 3, 4, 6, 8 and nos. 10 to 13, inclusive:

Amend Section 2 of Article II to read as follows:

"SECTION 2. The term 'Commercial Refrigerator' or 'product of the industry' as used herein is defined to mean and include any insulated room, box, chest, cabinet, display case or counter (but not part of the fixed construction) equipped with or for any form of refrigeration or equipment with or for any type of refrigerating unit or agent for storage and/or display of perishable food or other products under refrigeration, in meat markets, grocery and delicatessen stores, florists' shops, hotels, restaurants, clubs, institutions, and such similar establishments where such food or other products are retained or stored for the purpose of sale or service, except that beverage coolers and electric or gas ice cream cabinets are not included as products of this industry and further, provided, that household refrigerators when manufactured and sold by a member of this industry for commercial use are also not included as a product of this industry."

3.

Amend Section 6 of Article IV to read as follows:

"SECTION 6. *Evasion through Reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purpose of evading the provisions of this Code."

4.

Add to Article V the following:

"SECTION 8. *Operations performed by Members.*—All members of the Industry shall comply with all provisions relating to hours in this Code, in the performance by them, him or her of manual labor operations."

6.

Omit "Section 8 of Article VI." Renumber original Sections 9 and 10 to read Sections 8 and 9 respectively and add to Article VI subparagraph (i) of Section 9 and new Sections 10 and 11 as follows:

(i) It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(aa) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out

of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(bb) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(cc) After such budget and basis of contributions have been approved by the Administrator, to determine and obtain equitable contributions as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

"SECTION 10. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as herein provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration."

"SECTION 11. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget; and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved."

8.

Add to Article VII the following:

"RULE 17. No member of the industry shall combine quotations, contracts, invoices or receipts for any product of the industry with any quotation, contract, invoice or receipt for any other material, labor or service for the purpose and with the intent or effect of concealing the true selling price of the product of the industry."

10.

Add to Article VIII the following:

"SECTION 8. Any contract for the sale or transfer of any product of the industry which does not provide for payment in full within ninety (90) days after the date of shipment of such product sold is an installment transaction, and shall be subject to all rules or provisions governing installment sales contained in this Code."

11.

Amend Section 1 of Article VIII by deleting the word "consumer" in the ninth (9th) line, page 453 of the Code. (Typographical error in original draft of Code.)

12.

Amend Section 7 (b) of Article VIII to read:

“Cash amounting to at least twenty percent (20%) of the net sales price to be paid on or prior to delivery to the purchaser.”

13.

Amend Section 7 (c) of Article VIII to read:

“Balance due on any contract of sale to be paid in not more than twenty-four (24) months from date of shipment.”

Approved Code No. 181—Amendment No. 1.

Registry No. 1328-02.

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